

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 17-cr-30141-SMY</b>
	)	
<b>DAVID MONTALVO,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

**YANDLE, District Judge:**

Defendant David Montalvo was sentenced on February 20, 2018 to 18 months imprisonment for possession of contraband in prison (Count 1) (Docs. 31, 33). According to the Bureau of Prisons inmate locator, he is currently housed at McDowell FCI and his projected release date is November 8, 2022. Now pending before the Court are Montalvo’s Motions for Compassionate Release pursuant to the First Step Act of 2018 (Docs. 33, 36). The Government responded in opposition (Doc. 39).

In his motions, Montalvo states that at the time he committed his underlying crimes, he was not thinking and was irresponsible, that he has learned his lesson and wants to be closer to his family. He also asserts that he is not a violent offender and will not be a threat to society. Section 603 (b)(1) of the First Step Act permits the Court to reduce a term of imprisonment upon motion of either the Director of the Bureau of Prisons (“BOP”) or a defendant for “extraordinary or compelling reasons” so long as the reduction is “consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A)(i).

While the reasons for release proffered by Montalvo are hopefully indicative of a successful rehabilitation process, they do not present extraordinary or compelling reasons for his release. Nor would a sentence reduction based on those reasons be consistent with Sentencing Commission policy

statements. Accordingly, Defendant's motions for Compassionate Release under the First Step Act of 2018 (Docs. 33, 36) are **DENIED**.

**IT IS SO ORDERED.**

**DATED: June 28, 2022**

The image shows a handwritten signature in black ink that reads "Staci M. Yandle". The signature is written over a circular official seal. The seal features the text "UNITED STATES DISTRICT COURT" around the perimeter and "SOUTHERN DISTRICT OF NEW YORK" at the bottom. In the center of the seal is a shield with a red and white striped field and a blue chief with stars.

**STACI M. YANDLE**  
**United States District Judge**